



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SA

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,982	06/07/2001	Itomi Homma	209551US2	5546
22850	7590	09/20/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				HU, JINSONG
		ART UNIT		PAPER NUMBER
				2154

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/874,982	HOMMA ET AL.
	Examiner	Art Unit
	Jinsong Hu	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 August 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. Claims 1-21 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Berke (US 6,629,092).

4. As per claim 1, Berke teaches the invention as claimed including an article information providing system [col. 1, lines 5-12], comprising:

a portable terminal [col. 4, line 66 – col. 5, line 2] to which an information demander inputs a desire for an article as demand information, and receiving information corresponding to said demand information from an information provider [12, 14, Fig. 1; col. 2, lines 38-45; col. 3, lines 23-25; col. 5, lines 26-30];

a mediate apparatus [8 & 10, Fig. 1; col. 4, lines 53-57] provided with registration means for previously registering each information provider and a keyword so as to allow the information and the keyword to correspond to each other [col. 3, lines 45-48; col. 6, line 58 – col. 7, line 37; col. Lines 4-47];

retrieval means for retrieving said keyword from said demand information [28 & 29, Fig. 3; col. 5, lines 44-51; col. 10, lines 3-10];

delivery destination determination means for determining said information provider as a delivery destination of said demand information, said information provider being registered in said registration means while corresponding to the keyword when the keyword is retrieved from the demand information [30, Fig. 3; col. 5, lines 52-58]; and

transmission means for transmitting information to said information demander, the information being provided from the information provider determined by said delivery destination determination means and corresponding to said demand information [col. 5, line 66 – col. 6, line 27; col. 8, line 59 – col. 9, line 3].

5. As per claim 2, Berke teaches the invention as claimed including a mediate apparatus for mediating demand information to an information provider, the demand information being input to a portable terminal with regard to an article by an information demander [col. 1, lines 5-12; col. 2, lines 38-45; col. 4, line 66 – col. 5, line 2], comprising:

registration means for previously registering each information provider [12, 14, Fig. 1] and a keyword so as to allow the information and the keyword to correspond to each other [col. 3, lines 45-48; col. 6, line 58 – col. 7, line 37; col. 9, lines 4-47]; retrieval means for retrieving said keyword from said demand information; delivery destination determination means for determining said information provider as a delivery destination of said demand information, said information provider being registered in said registration means while corresponding to the keyword when said keyword is retrieved from the demand information [28 & 29, Fig. 3; col. 5, lines 44-51; col. 10, lines 3-6]; and

transmission means for transmitting information to said information demander, the information being provided from the information provider determined by said delivery destination determination means and corresponding to said demand information [col. 5, line 66 – col. 6, line 27; col. 8, line 59 – col. 9, line 3].

6. As per claim 3, Berke teaches the mediate apparatus is included in a computer system operating as a server and comprises demand information reception means for receiving said demand information [col. 4, lines 31-40].

7. As per claim 4, Berke teaches the providing information reception means for receiving information, the information being provided from the information provider determined by said delivery destination determination means and corresponding to said demand information [col. 4, lines 31-40].

8. As per claims 5-6, since they are apparatus claim of claim 1, it is rejected for the same basis as claim 1 above.

9. As per claims 7, 12 and 17, since they are method, apparatus and program claims of claim 1, they are rejected for the same basis as claim 1 above.

10. As per claim 8, Berke teaches the invention as claimed including a method, in which an information demander obtains article information from an information provider [12, 14, Fig. 1] via a mediate apparatus [col. 1, lines 5-12], comprising the steps of:

inputting a desire for an article to a portable terminal as demand information potentially including a keyword by the information demander [col. 3, lines 23-25; col. 4, line 66 – col. 5, line 2]; and

receiving information from said information provider, the information being provided from the information provider and corresponding to said demand information [col. 5, line 66 – col. 6, line 27; col. 8, line 59 – col. 9, line 3].

11. As per claim 9, Berke teaches the demand information is at least one of character information, image information and voice information [col. 5, line 66 – col. 6, line 27].

12. As per claim 10, Berke teaches the demand information is transmitted to said

mediate apparatus together with terminal identification information [col. 6, lines 24-27; col. 7, line 66 – col. 8, line 5].

13. As per claim 11, Berke teaches the terminal identification information is at least one of a telephone number, a mail address and an account (a user ID) [i.e., user account and related information in the server, col. 4, line 66 – col. 5, line 11].

14. As per claims 13-16, since they are program claims of claims 8-11, they are rejected for the same basis as claims 8-11 above.

15. As per claims 18-21, since they are program claims of claim 8-11, they are rejected for the same basis as claims 8-11 above.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Belfiore et al. (US 6,009,459) discloses an automatic searching system;  
Theriault et al. (US 6,049,821) discloses proxy server system;  
Gupta et al. (US 6,374,305) discloses a web application system;  
Schneider (US 6,338,082) discloses a requesting system; and  
Kawano et al. (US 6,697,836) discloses a client-server system.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306-5932. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 15, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER